

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 780
SENATE BILL 40

AN ACT TO PROVIDE PUNISHMENTS FOR ASSAULTS UPON HANDICAPPED PERSONS.

The General Assembly of North Carolina enacts:

Section 1. A new section is added to Chapter 14 of the General Statutes to read:

"§ 14-32.1. Assaults on handicapped persons; punishments. — (a) For purposes of this section, a 'handicapped person' is a person who has:

1. a physical or mental disability, such as decreased use of arms or legs, blindness, deafness, mental retardation or mental illness: or
2. infirmity

which would substantially impair that person's ability to defend himself.

(b) Any person who assaults a handicapped person with a deadly weapon with intent to kill and inflicts serious injury is guilty of a Class F felony.

(c) Any person who assaults a handicapped person with a deadly weapon and inflicts serious injury is guilty of a Class G felony.

(d) Any person who assaults a handicapped person with a deadly weapon with intent to kill is guilty of a Class G felony.

(e) Unless his conduct is covered under some other provision of law providing greater punishment, any person who commits any aggravated assault or assault and battery on a handicapped person is guilty of a Class I felony. A person commits an aggravated assault or assault and battery upon a handicapped person if, in the course of the assault or assault and battery, that person:

- (1) Uses a deadly weapon or other means of force likely to inflict serious injury or serious damage to a handicapped person; or
- (2) Inflicts serious injury or serious damage to a handicapped person; or
- (3) Intends to kill a handicapped person.

(f) Any person who commits a simple assault or battery upon a handicapped person is guilty of a misdemeanor punishable by a fine, imprisonment for not more than one year, or both."

Sec. 2. This act shall become effective October 1, 1981.

In the General Assembly read three times and ratified, this the 2nd day of July, 1981.